

Salisbury, North Carolina  
October 18, 2011

## **REGULAR MEETING**

**PRESENT:** Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem Maggie A. Blackwell, Councilmen William (Pete) Kennedy, William Brian Miller and Paul B. Woodson, Jr.; Interim City Manager Doug Paris; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

**ABSENT:** None

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Councilman Miller.

Mayor Kluttz expressed Council's condolences to Director of Public Information and Communications Karen Wilkinson on the loss of her father, Mr. James "Eddie" Thompson. She noted Mr. Thompson retired from the City of Salisbury as a Telecommunications Supervisor after serving 22 years with the Salisbury Police Department.

## **PLEDGE OF ALLEGIANCE**

Mayor Kluttz led those present in the Pledge of Allegiance to the United States flag.

## **RECOGNITION OF VISITORS**

Mayor Kluttz welcomed all visitors present.

## **ADDITIONS TO THE AGENDA**

Mayor Kluttz noted the following changes to the Agenda:

Add to Interim City Manager's Comments – 911 discussions with Rowan County  
Add to Interim City Manager's Comments – First Quarter Financial Report  
Add to Interim City Manager's Comments – Search for a new Broadband Director

## **CONSENT AGENDA**

### **(a) Approval of Minutes**

Approve Minutes of the Regular Meeting of October 4, 2011 and the Special Meeting of October 6, 2011.

### **(b) Temporary Street Closure – North Ellis Street**

Close the 100 block of North Ellis Street Monday, October 10, 2011 from 8:00 a.m. until 5:00 p.m. to remove a large tree at the corner of Ellis Street and Innes Street.

### **(c) Temporary Street Closure-Halloween Parade**

Close the 200 block of Mitchell Avenue from Crosby Street to Blair Street Monday, October 31, 2011 from 4:00 p.m. until 8:00 p.m. for the Fulton Heights Halloween Parade.

Thereupon, Mr. Kennedy made a **motion** to adopt the Consent Agenda as presented. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Blackwell and Kluttz voted AYE. (5-0)

## **DELEGATED WATER DISTRIBUTION SYSTEM AND SEWER COLLECTION SYSTEM PERMIT PROGRAM**

City Engineer Dan Mikkelsen addressed Council regarding the Delegated Water Distribution System and Sewer Collection System Permit Program. He noted the City has been working on Council Goal 10.1 for almost five years, and it is nearing completion. He explained Goal 10.1 is to seek local permitting authority for utility extensions. He indicated staff has worked with the North Carolina Department of Environmental and Natural Resources (NCDENR) to obtain its authorization for the City to be the final approving authority for water and sewer extension plans.

Mr. Mikkelsen explained under the current procedure a developer working on a project requiring a sewer or water line extension must submit the plans to the City of Salisbury for review, comments and approval. He noted upon the City's approval, the developer must then submit the plans to NCDENR for their review, comment and approval. He pointed out NCDENR rarely has additional comments above and beyond the City's.

Mr. Mikkelson explained staff is working to assure NCDENR that the City has the ability to review the plans to the same level of detail as NCDENR. He stated the City must prove to NCDENR all of its standards, specifications, and enforcement provisions will be met in order for NCDENR to delegate authority to the City of Salisbury.

Mr. Mikkelson explained the change will not create additional work for City staff since staff already reviews and approves the plans. He noted the change would relieve NCDENR of some of its work load because the City will review and approve the plans on its behalf and take responsibility for the decisions made.

Mr. Mikkelson stated the change will save time and money for the developer by shortening the turnaround time by eliminating the wait for NCDENR's review. He noted for water line extensions NCDENR response time can be two to three months. He indicated the intent of Council's Goal is to be business friendly and make working in Salisbury desirable for private developers.

Mr. Mikkelson noted the process has been tedious, and NCDENR is hesitant to give the authority to the City, although it is allowed by State Statutes. He noted NCDENR does not have an easy process for cities to gain this delegation of authority. He explained four or five other cities currently have this authority, and City staff relied on their approved Ordinances for direction.

Mr. Mikkelson explained the proposed Ordinance to implement the program is tailored to the needs of the City, and emphasis has been placed on making the Ordinance user friendly and easy to follow. He noted the Ordinance was reviewed by two offices of NCDENR and the North Carolina Attorney General's office.

Mr. Mikkelson stated the draft Ordinance defines the program used to regulate permitting authority. He noted it includes definitions, submittal process, reviews and approvals, and an enforcement section. He explained the enforcement section has the same enforcement used by NCDENR, which can be very expensive. He indicated staff included local enforcement options in its Ordinance which would start with progressive enforcements, using the least aggressive options first. He noted the higher levels of enforcement would only be used if the developer failed to correct the problems. He explained NCDENR tends to use the highest level fine to make an example of the person committing the violation in an effort to reduce future violations.

Mr. Mikkelson explained the draft Ordinance consolidates water and sewer delegation. He stated the approval for water delegation and sewer delegation will come from two different NCDENR offices at different times, possibly weeks apart. He noted staff recommends Council adopt the Ordinance effective upon the date of delegation of authority by the respective offices of the Division of Water Quality and Public Water Supply of NCDENR. He explained this language will allow the consolidated Ordinance to apply to the first program delegated, and ultimately to both programs.

Mayor Kluttz opened the floor for public comment

Mr. Bill Burgin, 317 Mahaley Avenue, stated having local permitting authority for utility extension has been an important goal of past and present Councils. He noted government best serves local citizens when it is provided locally. He indicated the permitting authority puts the approval for needed water and sewer extensions in the City's hands which will promote speed, flexibility, and problem solving while maintaining the quality needed for water and sewer operations. He noted the development community will be served faster and with more understanding of specific problems facing their developments. He explained this is particularly important for smaller projects that in the past have taken longer to permit than to construct. He noted he hopes this will encourage local developers and help create local jobs. He thanked Council for its time and service to its citizens. He stated he looks forward to water and sewer extension permitting in Salisbury.

Mr. Mark Lewis, 109 Kingsbridge Road, noted with the creation of the Salisbury 2020 Plan Council wanted to ensure predictability and reduce time for bringing plans to fruition. He stated the Ordinance is a major benefit for anyone who has to extend water and sewer lines. He pointed out time is money, and he encouraged Council to vote for the Ordinance to streamline the development process and support local developers.

Mr. Rodney Queen, 2559 7<sup>th</sup> Street, stated he supports the change wholeheartedly. He stated development is crucial to the growth of the City and noted water and sewer is the most time consuming part of the development process. He indicated if the City takes the lines over permanently, the lines must be installed properly, and errors must be corrected. He explained as a small developer he supports efforts to make the future brighter for development. He stated Salisbury is business friendly in some ways but lacking in others and this Ordinance is an improvement for businesses and developers.

Mr. Victor Wallace, 1110 Confederate Avenue, stated in general he is in favor of the proposed Ordinance. He asked Council to review the Land Development Ordinance which he thinks is a bottleneck to development. He noted as the economy improves the Land Development Ordinance will hinder development in Salisbury. He thanked Council for its efforts to serve the citizens of Salisbury.

There being no one else to address Council, Mayor Kluttz closed the public comment.

Mayor Kluttz stated it is nice to have former City Council members Lewis and Burgin at the meeting. She thanked them for attending and speaking out in favor of the proposed Ordinance because they were instrumental in its beginning. She noted Mr. Burgin and Mr. Lewis shared in Council's frustration when it was accused of not being business friendly due to permitting delays. She noted this is a very exciting day for Salisbury, and she thanked Mr. Mikkelsen and staff for an excellent job. She commented the process has been difficult and time consuming, but the results will be worth it.

Councilman Woodson stated the City has made progress in the past few years to be more

business friendly. He noted he supports the Ordinance fully and thinks it will be an asset to the community. He welcomed former Council members Burgin and Lewis back to the Council meeting and thanked Mr. Queen and Mr. Wallace for their remarks and their support of the City.

Mayor Pro Tem Blackwell stated she supports the Ordinance. She noted at the Annual City Council Goal Setting Retreat in February one of Council's Goals was to become more business friendly, and saving a builder 10 to 12 weeks is a step in the right direction.

Councilman Miller stated the passing of the Ordinance is a monumental event. He noted any time steps can be removed from a development process without affecting the quality and integrity of the system, it is a great accomplishment. He emphasized how important the passing of the Ordinance will be to the business community. He added it seems like many years since this began, and he thanked staff for working so diligently on the project.

Councilman Kennedy also expressed his support of the Ordinance.

#### ORDINANCE ADOPTING DELEGATED WATER DISTRIBUTION SYSTEM AND SEWER COLLECTION SYSTEM PERMIT PROGRAM.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Pages No. 34-43, and is known as Ordinance 2011-34.)

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance adopting the Delegated Water Distribution System and Sewer Collection System Permit Program effective upon the date of delegation of authority by the respective offices (Division of Water Quality and Public Water Supply) of the North Carolina Department of Natural Resources. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Mses. Blackwell and Klutz voted AYE. (5-0)

Councilman Woodson stated helping businesses open as quickly as possible should be a goal of staff and Council for 2012. Mr. Kennedy stated the passing of the Ordinance will create jobs in the community.

Interim City Manager Doug Paris stated over the last year the City has hosted several round table discussions with the development community to discuss ways the City of Salisbury can become more business friendly. He noted staff continues to work with the Chamber of Commerce on this process and to make the round table discussions more productive. He stated in the development and building process time is money, and passing this Ordinance is a major accomplishment.

Mr. Paris noted at Council's Goal Setting Retreat in February three goals were discussed in depth: the Housing Commission, the Historic Preservation Master Plan, and Lee Street improvements. He explained staff, particularly Community Planning Services Director Joe Morris and Urban Design Planner Lynn Raker, have been instrumental in securing funds for the Lee Street project in one of the toughest economic environments. He indicated staff is here to serve Council, and commented some goals take longer to accomplish than others. He stated staff is pleased to have completed Goal 10.1 for Council.

## **DIXONVILLE CEMETERY MEMORIAL PROJECT**

Senior Planner Janet Gapen, and Mr. Fred Evans, Chair of the Dixonville-Lincoln Memorial Committee, updated Council regarding the Dixonville Cemetery Memorial Project.

Ms. Gapen explained the project began as a goal of Council to work with the Dixonville Cemetery Task Force to develop a fund raising plan. She noted a Resolution of Intent was adopted by Council August 17, 2010 to create the Dixonville Cemetery Memorial Project Committee, and she noted the basic elements of the process include:

- Visioning
- Public Input
- Oral History
- Conceptual Design
- Prioritization/Phasing
- Fundraising/Grants
- Installation

Ms. Gapen noted a public workshop and oral history forum was held at First Calvary Baptist Church on August 26, 2010. She stated approximately 50 residents and former residents attended the forum and provided valuable feedback. She stated Mr. Perry Howard, Program Coordinator of the Landscape Architecture Program at North Carolina A&T University, has helped the committee with the conceptual design of the Memorial including:

- Form
- Sculpture
- Vertical Space
- Color
- Water
- Texture

Ms. Gapen indicated Mr. Perry coordinated a studio workshop during the fall semester at North Carolina A&T University, and a group of students embraced the Dixonville-Lincoln Memorial as a portion of their class, and developed interesting concepts for the Memorial.

Ms. Gapen stated the Committee also reviewed plans for Lincoln Park and Lincoln Pool since the properties adjoin the Dixonville Cemetery. She indicated the Committee is in the process of reviewing plans prepared by Mr. Howard. She displayed maps of the proposed plan, and noted the preliminary plan show the use of granite, various paving patterns, trees and decorative tree grates.

Ms. Gapen stated public contact to promote and distribute plans for additional review came at the Dixonville-Lincoln Community Association bi-annual reunion held September 17, 2011. She indicated residents were able to review the plans, and they were very enthusiastic the project was getting underway.

Ms Gapen explained the next steps would be to:

- Gather additional public input
- Refine concept plans
- Determine cost and phasing
- Raise Funds

Ms. Gapen stated the Committee is very anxious to get started on the next steps of the plan. She introduced Mr. Fred Evans who thanked Council for its support of the project. He stated the Committee is very enthusiastic and confident the City will be proud of the completed project. He noted the east side of Salisbury does not have a gathering or focus point, and the Committee hopes the Dixonville Cemetery Memorial will serve this purpose. He noted the Committee is eager to begin fundraising, noting a significant donation was received from Colonel Pennington, a former resident of the area now living in Washington, D.C. He noted another gift has also been received from the Lincoln-Dixonville Community Association. He informed Council the Committee is preparing to launch a City-wide campaign, and he recognized members of the Dixonville-Lincoln Memorial Committee present in the audience.

Mayor Kluttz stated the Dixonville Cemetery is an important area of the City that needs and deserves attention. She thanked Mr. Evans, members of the Committee, and staff for their work on the project.

Mr. Kennedy stated Council looks forward to supporting the project.

Ms. Blackwell asked Ms. Gapen to let Council know the date of the next Committee meeting.

### **HISTORIC PRESERVATION MASTER PLAN**

Senior Planner Janet Gapen updated Council regarding the Salisbury Historic Preservation Master Plan process. She noted the Plan began with a grant from the State Historic Preservation Office which came from Federal Historic Preservation Funds. She noted the City applied for a grant to complete a preservation plan and was awarded a grant from the State Historic Preservation Office in May 2010. She explained the City hired a consultant, Arnett, Muldrow and Associates from Greenville, South Carolina to assist with the Plan development.

Ms. Gapen explained the Salisbury Historic Preservation Master Plan that began in November 2010:

- Background Review and Inventory
  - Key Steps
    - Review of existing resources /initiatives
    - Analysis

- Stakeholder and Public Input
  - Key Steps
    - Stakeholders Interviews
    - Public Meeting(s)
    - Online Input
- Visioning and Goals
  - Key Steps
    - Advisory Committee
    - Goals and Preliminary Ideas
- Draft Plan
  - Key Steps
    - Draft Recommendations
    - Committee and Public Feedback
- Final Plan

Ms. Gapen noted the draft is complete, and the committee is seeking additional public input. She stated the formal adoption process will likely begin before the end of 2011.

Ms. Gapen noted the public input:

- Public Kickoff November 30, 2010
- 50+ interviews and focus groups
- Advisory Committee
- Public Forum February 9, 2011
- Public Forum May 9, 2011
- Project website: [salisburyplan.ning.com](http://salisburyplan.ning.com)

Ms. Gapen noted the Preservation Partners involved in the interview process:

- City of Salisbury
- Historic Preservation Commission
- Historic Salisbury Foundation
- Downtown Salisbury, Incorporated
- Community Appearance Commission
- Historic Neighborhood Alliance
- North Carolina State Historic Preservation Office

Ms. Gapen explained the five basic Core Themes of the Historic Preservation Master Plan:

- Administrative
- Community Character
- Outreach and Education
- Historic Resources
- Partnerships



Ms. Gapen noted the Plan Highlights:

- Improve city process-Applications for Certificates of Appropriateness
- More efficient enforcement
- Adopt Demolition by Neglect Ordinance
- Develop neighborhood-specific guidelines
- Preservation policies among all City Departments
- Enhance preservation programming and marketing
- Ongoing identification and designation of historic resources
- Collaboration and Partnerships

Ms. Gapen indicated the draft Historic Preservation Master Plan is available on the City website [www.salisburync.gov](http://www.salisburync.gov)

Ms. Gapen acknowledged members of the Historic Preservation Master Plan in the audience: Ms. Dee Dee Wright, Ms. Ann Lyles, and Ms. Gwen Matthews. Mayor Kluttz thanked Ms. Gapen for the excellent report.

### **CODE ENFORCEMENT ACTIVITIES**

Code Services Division Manager Chris Branham updated Council regarding Code Enforcement Activities. He reviewed the Mission Statement of Code Enforcement, "To enforce the codes of the City of Salisbury and improve the quality of life within our community through ensuring that our community is visually appealing, clean and safe."

Mr. Branham noted the Code Enforcement areas:

- Minimum Housing
- Zoning
- Nuisance

Mr. Branham reviewed the workload of Code Enforcement:

- City of Salisbury is approximately:
  - 33,000 in population
  - 21.5 square miles within the City limits
  - 33.2 square miles when including the Extra Territorial Jurisdiction (ETJ)
  - 16,000 parcels of land
- In a 2006 study there were:
  - 10,466 Residential Houses
  - 797 Mobile Homes
  - 1,786 Commercial and Industrial Buildings
  - 13,049 Total Buildings

Mr. Branham noted Minimum Housing statistics:

- Since January 2009, 160 housing cases have been opened
- 160 cases since 2009
  - 43 cases inherited
  - 36 cases opened in 2009
  - 37 cases opened in 2010
  - 39 cases opened in 2011
- 66 housing cases for vacant/abandoned properties
- 81 housing cases for occupied by tenants

Mr. Branham displayed a graph noting the types of cases handled and pointed out occupied (tenants) were 51% of the cases, vacant and abandoned properties were 41% of the cases, and demolition permits were 8% of the cases.

Mr. Branham explained the Inspection Process:

- Initial Inspection of property
- Send Notice of Hearing Letter
- Public Hearing
  - If unsecured, house is boarded up
- Send Findings of Fact and Order Letter
  - Intent to Repair Letter Included
- Follow up inspection, assess progress
- Take to City Council for demolition
- Demolition of property
- Tax lien filed at Rowan County Tax Office

Mr. Branham noted an “Intent to Repair” letter is an additional measure for property owners added this year. He explained this letter is used by other municipalities in the State and gives the owner a chance to respond and demonstrate a desire to improve their property.

Mr. Branham reviewed the amount of time spent on each case by the numbers:

- Employee time spent on case from start to finish typically ranges from three to seven hours
- Housing case timeframe from open to close typically ranges from 3-22 months
- The above numbers do not effectively reflect the additional phone calls from tenants, additional visits to the property when issues have not been addressed, etc.
- Cost of demolition ranges from \$3,000 to \$5,000
- Completed a six month study in March 2011 of all residential properties within the City limits (approximately 10,413)
- As a result of the study, we are able to better assess the needs of our City as related to housing

- Results showed 753 properties as Vacant and/or Abandoned (7.23% of entire residential properties)
- Results showed 3,811 properties as Rental (36.6% of entire residential properties)

Mr. Branham reviewed Zoning numbers and types of cases:

- 276 total zoning cases since 2009
  - 2009-110
  - 2010-106
  - 2011-60
- Types of Cases
  - Prohibited signs
  - Parking in the front yard
  - Building types and standards
  - Commercial Vehicle Parking
  - Landscaping requirements

Mr. Branham reviewed Nuisance Cases:

- Nuisance cases since 2008
  - 2008-2410 (5832 visits to property)
  - 2009-2290
  - 2010-2209
  - 2011-1407 (3240 visits to property)
- For each nuisance cited, it takes a minimum two visits to the property, sometimes up to 4 times if the City abates the property
- Property owners taking responsibility
  - In 2008, 63% of the violations were being abated by the owner
  - As of today, 69.7% of the violations are being abated by the owner
- At the moment, calls for service that do not result in a violation notice are approximately 960 calls annually.

Mr. Branham noted the financial impact of Code Enforcement Activities:

- For 2011
  - Amount of fines issued Year To Date                      \$120,849.79
  - Amount collected Year To Date                                \$58,752.97
  - Cost of Abatements Year To Date                              \$28,602.83
  - Liens filed with County    \$83,983.95
    - Lien amount is a rolling amount from previous years up to the present
- To put it in perspective, only \$8,661.90 was collected in 2010

Mr. Branham noted the substantial difference in amounts collected from 2010 to 2011 is due to the work of part-time Administrative Assistant Jan Seawell. He explained her job is currently funded through the Senior Services Program at the Rufty-Holmes Senior Center, and she works 17 hours per week. He stated the program Ms. Seawell works through will end in the

near future. He explained Ms. Seawell is very diligent in making phone calls and researching phone numbers and has been a major asset to Code Enforcement.

Mr. Branham noted other updates:

- Housing Advocacy Commission
  - Currently taking applications
  - Nine member committee to be established
  - Will meet quarterly with staff to develop programs and receive reports on activities related to housing and neighborhood conditions
  - Be able to recommend City Code Amendments that will improve the housing and neighborhood conditions
- Code Enforcement software, City View, is set to “Go Live” in December 2011
  - Increase efficiency of our workload with the capabilities to track code violations in “real time”
  - Allot more time in the field for the Code Enforcement Officers
  - Streamline response to properties when complaint is received
  - Allow citizens to view code violations online (later in 2012)
- Educational opportunities being taken
  - All Code Enforcement Officers attended a Mold Remediation workshop in April 2011 sponsored by Servpro
  - All Code Enforcement Officers are state certified as Housing Code Officials as of March 2011 through the North Carolina Association of Housing Code Officials, of which Mr. Branham currently serves as President
  - Attending a national conference in November that is hosted by the American Association of Code Enforcement

Mr. Branham noted his attendance at the national conference will not cost the City because he submitted an essay and was awarded a scholarship.

Mr. Woodson asked how many Code Enforcement Officers currently work for the City of Salisbury. Mr. Branham responded he has two Code Enforcement Officers on his staff. Mr. Woodson commented on the high number of calls received by Code Enforcement. Mr. Branham noted the calls include nuisances such as grass, trash, furniture and appliances on the porch, and parking in the front yard.

Mayor Pro Tem Blackwell stated she attends monthly Salisbury Neighborhood Action Group (SNAG) meetings that occur on the first Wednesday of each month at the Salisbury Police Department at 10:00 a.m. She explained the Police Department gives a comprehensive report on crime in the City for the prior 30 days, and Code Enforcement gives a comprehensive report of their activities for the prior 30 days. She noted this is a great way for citizens to stay informed while having the opportunity to share their concerns with the Police Department and Code Enforcement Division.

Ms. Blackwell thanked Mr. Branham for all he does for the City. She stated Mr. Branham does not work alone because as an officer on the State Board he studies and discusses with his peers to determine the best Code Enforcement practices. She noted when there is a

nuisance complaint Code Enforcement typically receives many calls about the same situation and has to respond to each call individually.

Ms. Blackwell noted Code Enforcement is collecting approximately half of the fines imposed. She asked Mr. Branham if he knew the national average for collection. Mr. Branham stated he hopes to find out this information when he attends the national conference.

Mayor Pro Tem Blackwell noted the upcoming Housing Commission has nine seats and so far nine applications have been received. She stated Council likes to have a variety of citizens to consider to ensure diversity of people and neighborhoods represented. She encouraged all citizens interested in serving on the Housing Commission to apply.

Mr. Kennedy asked if the City's lien is included in the amount to be paid when Rowan County sells or auctions a property for unpaid taxes. Mr. Branham replied that was correct, and the City has a good working relationship with the Rowan County Tax Office concerning upcoming foreclosures and sales. Mr. Kennedy thanked Mr. Branham for the good work he does for the community.

Ms. Blackwell asked Mr. Branham to clarify myths about tax liens. Mr. Branham stated some citizens believe tax liens are removed after seven years, but that is not correct. He noted the tax lien remains in place for duration.

Councilman Woodson noted the great job Mr. Branham and the Code Enforcement staff is doing to handle the calls that come in each day.

Interim City Manager Doug Paris recognized the good job Ms. Seawell is doing and indicated the City is very pleased with her results. He stated he has asked Human Resources Director Zack Kyle and Community Planning Services Director Joe Morris to work on a permanent solution for this position. He noted the City is reviewing a plan to relocate Code Enforcement to the City Office Building (COB) with Development Services, and there is an opportunity for a position to fill multiple roles currently open. He explained working to retain top talent is one of Council's goals.

Mayor Kluttz thanked Mr. Branham for the excellent report and the job he does each day. She noted it was obvious he is the right person for the Code Services Division Manager position, and he represents the City well on the State and National levels.

## **PUBLIC COMMENT**

Mayor Kluttz opened the floor to receive public comment.

Ms. Anne Lyles, 409 East Bank Street, stated she wanted to comment in connection with the Dixonville Report. She explained there are concerns in the historic district where she lives regarding safety issues in terms of speed. She noted traffic needs to move through the neighborhood, but it should move in a safe manner with respect to the community. She

referenced the Dixonville Community which was a close knit neighborhood that was disrupted in both good and bad ways. She stated Long Street is a large five-lane highway coming through a residential area, and it has split the neighborhood. She indicated the highway was installed due to the possibility of industrial growth, but the growth never took place. She explained it is very difficult to maintain the neighborhood feel with the five lane highway dividing the community. She stated Council needs to examine what is happening on Long Street and the surrounding area. She indicated the President of the Neighborhood Association has been in contact with Traffic Operations Manager Wendy Brindle and is planning a presentation for the next Council meeting.

There being no one else to speak, Mayor Kluttz closed the public comment.

### **INTERIM CITY MANAGER'S COMMENTS**

#### **(a) Update on 911 Discussions with Rowan County**

Interim City Manager Doug Paris indicated he sent a letter to the Rowan County Manager on October 14, 2011 that offered space for 911 Dispatch at the Police Department while a study regarding consolidation was done. He stated an agreement was not reached on this offer because the County had concerns that it was too late in the process to stop, and that after conducting a consolidation feasibility study the City and County may not be able to reach agreement regarding service levels. Mr. Paris stated at the October 17, 2011 meeting of the Rowan County Board of Commissioners, they decided to move forward with their current plan to construct a new 911 facility on Old Concord Road.

Mr. Paris pointed out his letter also suggested a study group of the City Manager and an elected City official and the County Manager and a County elected official. He noted he and Mayor Kluttz met with County Commission Chairman Chad Mitchell and County Manager Gary Page yesterday afternoon, and he thought the meeting was positive and productive. He indicated he met again with the County Manager this morning, and he also thought it was a positive meeting. He commented he thinks there is a deal in the making, although it is preliminary at this point and will need further discussion. He explained the deal would focus on three issues: a dedicated fire dispatch position for the Salisbury Fire Department; ruggedized radios for first-line firefighters; and giving the City first option to be a backup Public Safety Access Point (PSAP) facility. Mr. Paris commented since the City has its facility in place it would make perfect sense to be a backup facility, and it would allow the City to receive 911 funds to pay for its expenses.

Mayor Kluttz thanked Rowan County Commission Chairman Chad Mitchell and County Manager Gary Page for meeting with her and Mr. Paris. She commented it was a cordial and productive meeting.

Fire Chief Bob Parnell stated Mr. Paris requested he address the dedicated fire dispatch position and the ruggedized radios with Council. He commented the County 911 Director has indicated the solution to the City's need for service is the addition of more dispatch positions.

Chief Parnell noted the City Fire Department runs over 4,100 emergencies annually, with the next highest fire department in Rowan County running approximately 1,000. He added the lowest for the County is approximately 42 calls per year. He stated he points out the difference in call volume because the City of Salisbury is the population and transportation center for the County, and this creates the call volume Salisbury experiences. Chief Parnell noted the City's Fire Department is a fully careered and staffed department, while the other departments in the County rely primarily on volunteers. He added the Salisbury Fire Department is in service 24 hours a day, 365 days per year, and while the other departments also serve every day of the year, they have to report to their fire station to pick-up apparatus before responding to an emergency.

Chief Parnell commented all of the fire departments in the County do an excellent job for their communities, but Salisbury is different in the hazards it responds to, the bulk and volume of responses and how it is matrixed for responses.

Chief Parnell indicated currently there is only one dispatcher dedicated to all 40 fire stations in Rowan County. He stated the lone dispatcher can become burdened very quickly when there are several calls in the City, simultaneously with calls in the County. He explained dispatch standardizes all responses across the County, including the City's, in an effort to keep the dispatcher from becoming confused when trying to provide service to the City and the other County fire departments. He stated this causes the City an inability to modernize or make changes to provide the safest possible level of service.

Chief Parnell stated Mr. Robinson, the 911 Director, has indicated one dedicated fire dispatcher is not enough, and he added other studies and evaluations have confirmed this same fact. He indicated it is his contention that Salisbury needs a dispatcher that can assist in tracking the City firefighters while they are fighting interior structural fires. He added it makes it safer for both the firefighters and the public. He commented the City needs a dispatcher that will listen to the City's operation channel, which is a different channel from a dispatch channel. He explained the Fire Department is dispatched on a dispatch channel and then switches to an operations channel to communicate truck to truck. Chief Parnell stated because there is only one dispatcher, Rowan County cannot allow that person to switch to the operating level channels. He referred to a recent line of duty death in Asheville, North Carolina where the crew issued a Mayday, but the commander could not determine exactly who was calling the Mayday. He stated the Buncombe County dispatcher was able to listen to the fire ground radio and determine which company was calling Mayday, which assisted in preventing additional loss of life.

Chief Parnell indicated currently if he needs to make a change in the dispatch matrix he must go before the Association of Fire Chiefs and the Association of Firefighters to request such a change. He noted he cannot initiate an immediate change, and going through a 90-day wait period is ineffective. He added he can make minor changes within a two week period if notice is given, but for larger changes such as the number of trucks dispatched for certain alarms the change must go through the longer process. Chief Parnell stated his statements are not a complaint but just a fact of the system, and while the employees at the 911 dispatch center do an excellent job, there needs to be a change in the system.

Chief Parnell stated Mr. Robinson has advised that if he had a dedicated dispatch for the City, which equals four employees to cover 24 hours a day, the City would have faster and direct access to make changes, as well as a dispatcher that could listen to the operational channels. He stated the City insists on providing the highest level of safety and this will enhance the City's ability to do this.

Chief Parnell recognized Battalion Chief David Morris and Captain Mark Thompson to demonstrate equipment for Council. Chief Parnell commented that the radios are the most important life safety systems the firefighters have. He stated the Fire Department is committed to providing a safe and practical radio system, and added this does not mean the most expensive radios but the one that works best and provides the features needed for safety. Chief Parnell stated Chief Morris demonstrates the Fire Department's commitment to safe radio systems through his service on the International Association of Fire Chief's Radio Subcommittee, a committee that studies international impacts and standards and practices of radio communications. He added Chief Morris is the first chief officer from Salisbury to have served on an International Fire Chief's committee.

Chief Parnell commented the City has an excellent radio shop and radio technician in Terry Buff, and the radio shop is viewed throughout the State as a premier shop.

Chief Parnell stated the Fire Department is required to test most of its equipment on an annual basis, but there is no such test for portable radios. He noted that a radio can be damaged when dropped or when it becomes wet and this can diminish communication. He stated the City has instituted a local inspection plan for its portable radios that it also teaches statewide to other departments. He indicated there are 84 portable radios in the Fire Department fleet, and each one is inspected electronically each year. He added if a radio is dropped at a distance of three feet or above it must also be sent for inspection.

Chief Parnell indicated the radios are worn on a strap inside of a firefighter's coat. Captain Thompson demonstrated how the radios are worn. Chief Parnell stated wearing the radio under a turnout coat helps protect it from heat and water. He added the microphone is worn on the collar and the firefighter is able to communicate and hear from this microphone. He stated the microphone also controls the volume, on and off function, activates the emergency button, and allows the firefighter to change the radio channels.

Chief Parnell pointed out there are varying levels of radios, and he stated the Fire Department initially had series 2000 radios which are referred to as Police radios. He demonstrated how these radios, without use of the microphone, are very difficult to activate or use when wearing the thick fire uniform gloves. He stated the next level of radios have immersion capability, but did not have the internal memory to provide the outside microphone functions that the ruggedized Delta II 5000 series currently used by the City of Salisbury has. Chief Parnell stated new firefighter designed radios are being currently tested, and the radios are much easier to use with gloved hands. He noted the new radios will also contain Global Positioning System (GPS) software so a firefighter can be found within one-half of a foot of his location. He stated they will also allow the ability to enunciate the radio channels which negates the need of trying to read a radio channel through a fire mask and allow a firefighter to know which radio channel he or she is on.



Chief Parnell stated the Salisbury Fire Department uses and appreciates the rugged radios and values the protection of all firefighters throughout the County. He added the Fire Department feels the County firefighters deserve nothing less than the ruggedized radio designed for their safety.

Mayor Kluttz thanked Chief Parnell for explaining this to Council and the public. She stated the fact that he cares about all firefighters is very admirable. She expressed Council's pride in all that the fire department does for the City.

Councilman Woodson asked about the cost of the 5000 series radio. Chief Parnell indicated each radio is approximately \$4,300.

Councilman Kennedy stated Chief Parnell's demonstration was very powerful and indicates the need for Council to support this effort.

Mr. Paris reiterated that the issue has not been decided, but he does think the meetings and discussions have been positive in how to find savings in the sales tax funds to provide the ruggedized radios for frontline firefighters. He stated the additional fire dispatch position has been discussed for inclusion in next year's fiscal budget, although it has not been finalized. He added it is also important to look at the City's telecommunication facility as a backup PSAP. He thanked Mayor Kluttz for speaking with Chairman Mitchell and helping move this conversation forward.

Councilman Miller thanked Mayor Kluttz and Mr. Paris for taking the opportunity to meet with the County. He commented many in the community have been critical of discussions that have taken place in the newspaper, and he is pleased the dialogue as been started and is moving forward.

(b) First Quarter Financial Statements

Assistant City Manager John Sofley indicated Council requested quarterly financial statements to begin with the new fiscal year, and he noted the first quarter ended at the end of September. He presented information regarding the four major funds of the City to Council. He stated the information is on the same basis that the budget was approved, but does not yet include any budget carry-forwards from last year. He noted these will not be completed until the audit is complete, and the balance is determined for capital projects and major contracts. He stated he wanted to point this out to explain why some of the budget figures will be different on the next quarter's report. Mr. Sofley thanked Senior Financial Analyst Mark Drye for his work to program the financial system to generate the reports to meet Council's need.

Mr. Sofley indicated it appears the City is doing well overall, and the net income has exceeded the loss shown in two of the four funds. He explained the County levies and collects property taxes on the City's behalf, and they offer a discount if the taxes are paid early. He stated this creates a loss to the City of approximately \$100,000 that would have been earned

without the discount, but it also means the City has the cash on hand.

Mr. Sofley reviewed the summary of revenues and expenditures for the first quarter:

General Fund Net Revenue	\$4,350,464
Salisbury-Rowan Utilities Net Revenue	2,341,872
Salisbury Transit Net Loss	(83,027)
Fibrant Net Loss	(422,813)
Net Income City	<u>\$6,186,496</u>

Mr. Sofley then reviewed each fund individually. He pointed out in the General Fund there is no amount listed for local option sales tax and utilities franchise tax. He explained these funds are not received until three months after they have been levied, and he noted the sales tax for July was received only a few days ago. He commented approximately 25% of the General Fund budget has been expended, and he is pleased with this percentage. He explained the City has many expenses that are due the first quarter of the fiscal year, but cover the entire budget year, and the expenses will not be carried to the next quarter. Mr. Sofley stated the General Fund currently has net revenue of \$4,350,464.

Mr. Sofley then reviewed the Salisbury-Rowan Utilities (SRU) fund, and noted under charges for services 29% of revenue has been realized in the first three months of the fiscal year. He explained this is related to dry weather conditions of the past several months. He noted for the Utility Fund the debt service occurs in the second half of the year rather than the first half.

Mr. Sofley noted the Transit Fund expenses are on target, and he pointed out there is a loss of \$83,027. He explained the revenues for this fund are generated by the City filing a return to the State for reimbursement of expenses. He stated at this point the City has not yet filed its return and must wait for approval from the State of North Carolina for the first filing.

Mr. Sofley reviewed the Fibrant Broadband fund. He stated the debt service for Fibrant comes at the beginning of the year, and for the current year \$868,297 has already been expended for debt service. He indicated as of today Fibrant has 1,323 active customers, with 57 more to be installed for a total of \$1,380 customers.

Mr. Sofley noted he also provided information regarding the debt load for the City. He stated although the City's net debt in comparison with the legal debt limit is approximately 20%, he does not think this is high when the debt is reviewed on a historical basis. He indicated in 2001 the City was at 19% of its debt load, and he commented that although the amount of outstanding debt is different, the assessed value is different as well. He stated before issuing the debt for Fibrant the City had paid down a significant amount of its debt.

Councilman Woodson asked if based on the report, the City could legally borrow an additional \$186 million according to the debt load. Mr. Sofley responded this is correct, although not recommended.

Mayor Pro Tem Blackwell stated the reports are exactly the level of detail she was seeking in requesting the financial reports. She noted having an overall view of where the City stands against its budgeted revenue and expenditures is just what is needed. She thanked Mr. Sofley and Mr. Drye for their work to produce the reports. She proposed for the next quarterly report to have the information on a PowerPoint with graphs for citizens to view.

Mr. Woodson stated he feels better about the City's debt service and the fact that in 2001 the City was at 19% and at 20% in 2010.

Councilman Miller indicated he is pleased to see this information and stated it is important to educate citizens on what the reports mean so the figures are not taken out of context. He agreed having visuals would be excellent going forward, and he thanked Mr. Sofley for the report.

Mr. Kennedy thanked Mr. Sofley and his staff and noted this information allows Council to relay to citizens that the City is sound and in good shape. He commented this will allow Council to defend its decision with Fibrant.

Mayor Kluttz stated the City continues to have an exceptional, award winning Finance Department, and she thanked staff for their excellent work.

Mr. Paris indicated staff will take Council's feedback into consideration for the next quarterly report. Mr. Miller asked if the reports will be posted on the website for citizen review. Mr. Paris responded staff will post the information on the City's website.

(c) Broadband Director Hiring Process

Human Resources Director Zack Kyle stated the City recently advertised for the position of Broadband Services Director, and the advertisement closed October 14, 2011. He indicated print media, websites and two industry specific search firms were used to advertise for the position. He stated the applications will be reviewed in the next few weeks, and he recommended forming two assessment panels. He explained one panel would be external and consist of those with industry knowledge and Council members. He stated the second panel would be internal with Management Team members and other staff. Mr. Kyle indicated the assessment panels would have chairs that would score the candidates so the City Manager can conduct final interviews with the candidates and make the final selection.

Councilman Woodson asked if there were many applicants. Mr. Kyle responded there were quite a few received.

Interim City Manager Doug Paris commented the City used two firms that were not retained firms, but firms that receive a commission if their candidate was hired. He stated the strongest candidates did come from these two firms, and he has seen impressive applications.

Mayor Pro Tem Blackwell stated she is pleased industry specific recruiters were used,

and she is also pleased that an outside panel will be used to evaluate the resumes. She commented Council is still new to the broadband business, and having people who have a history with the technology and requirements will be a value.

Councilman Miller asked if there is a timeline for the process. Mr. Kyle stated a definite timeline has not been determined, but he is hopeful the process can be completed by the first of December, or the first of the year. Ms. Blackwell encouraged Mr. Kyle to not let the timeline drive the City's decision. She commented if there is not a candidate that meets the strict standards the process should be conducted again until the best person is found.

Mr. Paris commented this is a very important decision, and he wants to ensure the very best decision is made for the community.

### **MAYOR'S ANNOUNCEMENTS**

#### **(a) Report on Meeting with President Barack Obama**

Mayor Kluttz reported she was invited by the White House to attend President Obama's speech in Jamestown, North Carolina today. She added she was also a part of a small group of people who were invited to speak with the President individually. She stated it was an honor for her to represent Salisbury, and she noted she thanked him for his understanding for the need for jobs. She added she also pointed out to him that Salisbury is the smallest city in the United States that received one of the Choice Neighborhood Planning Grants, which was a White House initiative. She indicated she thanked him for the hope that he has brought to this community through this grant. She stated she was impressed to hear in his speech that he is seeking bi-partisan support in the Congress, and added she believes the City must encourage and support assistance from the Federal and State government to improve the economy.

#### **(b) West End Transformation Plan**

Mayor Kluttz announced a Design Workshop for the West End Transformation Plan will be held Wednesday October 19, 2011 from 8:30 a.m. until 11:30 a.m. and Thursday, October 20, 2011 from 7:00 p.m. until 9:00 p.m. at the West End Business and Community Center, 1400 West Bank Street. The public is invited to attend.

#### **(c) Blockwork Neighborhood Improvement Project**

Mayor Kluttz announced the Community Appearance Commission will sponsor the BlockWork Neighborhood Improvement Project Saturday, October 22, 2011 from 8:00 a.m. until 4:00 p.m. in the 200 and 300 Blocks of South Shaver Street.

#### **(d) Salisbury Fire Department Open House**

Mayor Kluttz announced the Salisbury Fire Department will host an Open House Saturday, October 22, 2011 from 2:00 p.m. until 4:00 p.m. at Fire Station 2, 2312 South Main

Street. The Open House will include equipment displays, fire safety lessons and a “housing” of the City’s newest fire truck. The public is invited to attend.

(e) Halloween Funfest

Mayor Kluttz announced the Salisbury Parks and Recreation Department will host Halloween Funfest Saturday, October 29, 2011 from 3:00 p.m. until 6:00 p.m. in the First Bank parking lot, 215 West Innes Street.

(f) La Fiesta de Rowan

Mayor Kluttz announced La Fiesta de Rowan 2011 will be held Saturday, November 5, 2011 from 11:00 a.m. until 4:00 p.m. at Knox Middle School, 1625 West Park Road.

**COMMENTS FROM COUNCILMAN KENNEDY**

Councilman Kennedy commended Interim City Manager Doug Paris for the excellent job he has done throughout the many issues he has addressed. He stated Mr. Paris has dealt with many things on a daily basis, and he commended him for a fine job. Council members agreed and thanked him for his excellent communication.

**COMMENTS FROM MAYOR PRO TEM BLACKWELL**

Mayor Pro Tem Blackwell commented members of City Council will participate in the BlockWork program Saturday, October 22, 2011. She noted if members are not on site at 8:00 a.m., Council is also participating in the Livingstone College homecoming parade that morning and will get to the BlockWork event as soon as the parade concludes.

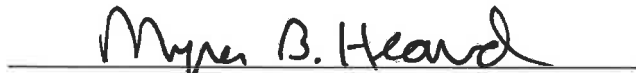
**BOARD APPOINTMENT – COMMUNITY APPEARANCE COMMISSION**

Mayor Pro Tem Blackwell noted currently there is a vacancy on the Community Appearance Commission. Thereupon Ms. Blackwell made a **motion** to nominate Ms. Raemi Evans to fill the vacancy effective November 1, 2011. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0).

## ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Kennedy. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 6:06 p.m.

  
Susan W. Kluttz, Mayor

  
Myra B. Heard, City Clerk